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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/713,414  | 11/14/2003  | W. Frank Little      | LIT06A              | 2741             |
| 7590  | 12/09/2004  |                      | EXAMINER            |                  |
| Alton W. Payne<br>Suite 200<br>5001 Bissonnet<br>Bellaire, TX 77401 |             |                      |                     | SLACK, NAOKO N   |
|   |             | ART UNIT             | PAPER NUMBER        | 3635             |

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

v

|                              |                         |                              |
|------------------------------|-------------------------|------------------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)                 |
|                              | 10/713,414              | LITTLE, W. FRANK<br><i>E</i> |
|                              | Examiner<br>Naoko Slack | Art Unit<br>3635             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-10 and 12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-10 and 12 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 September 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment received September 13, 2004 has been entered.

Amendments to the drawing and specification have been approved. Claims 1, 2, and 11 have been cancelled. New claim 12 has been entered. Claims 3-10 and 12 are pending.

As necessitated by amendment, this action is made final.

### ***Claim Rejections – 35 USC 102***

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-10 and 12 are rejected under 35 USC 102(b) as being clearly anticipated by US Patent 4,964,252 to Guliker.

Claim 12:

Guliker discloses a universal corner stud (Figure 4) comprising at least one base (the square-shaped composite) having a first end (top horizontal face) and second end (bottom horizontal face), the base having sufficient structure for removably engaging only one of a demountable wall partition (11) and a demountable ceiling panel and a plurality of arms extending from the base such that two arms and the base define a channel for receiving one of the demountable wall partition and the demountable ceiling panel, such

that the universal stud can be oriented vertically to accept a demountable wall partition or can be oriented horizontally to receive at least one of the demountable wall partition and the demountable ceiling panel.

Guliker discloses a universal stud wherein the plurality of arms comprises a first arm (22', Figure 4) extending from the first end of the base, a second arm (27, Figure 4) extending from the second arm of the base, a third arm (23, Figure 4) extending from the base closer to the first arm than the second arm, a fourth arm (26, Figure 4) extending from the base closer to the second arm than the first arm and between the third arm and the second arm such that the exterior channel (top horizontal channel) is defined by the first arm, the third arm, and the base, the interior channel (central horizontal channel) is defined by the third arm, the fourth arm, and the base, and an inner channel (lower horizontal channel) is defined by the fourth arm and the second arm, whereby the channels may receive and removably secure at least one of the demountable wall partition (11) and demountable ceiling panel between the channels.

Claim 4:

Guliker discloses means for removably securing the stud to the partition (column 7, lines 9-26).

Claim 5:

Guliker's means for removably securing the stud to the partition comprise bolts which are screwed to the outermost frame sections (column 7, lines 15).

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Claim 6:

Guliker discloses that one demountable wall partition or demountable ceiling panel is used (1 and 2, Figure 1).

Claim 7:

Guliker discloses that two demountable wall partitions are used to create a space (2, Figure 1).

Claim 8:

Guliker discloses that three demountable wall partitions are used to create a space (2, Figure 1).

Claim 9:

Guliker discloses that two demountable wall partitions (2, Figure 1) are used with additional materials (1, Figure 1) disposed in the space therebetween.

Claim 10:

Guliker discloses three demountable wall partitions (2, Figure 1) are used with additional materials (1, Figure 1) disposed in the space therebetween.

### ***Allowable Subject Matter***

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Final Action***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635



NS

December 6, 2004